IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No.4483 of 2006
Date of decision : 21.9.2006.

Kishan Lal.

.....Petitioner.

Versus

Avtar Singh.

.....Respondent.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr.Rajinder Goyal, Advocate
for the petitioner.

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VINOD K. SHARMA,J.(ORAL)

The present revision petition has been filed against the order of ejectment passed against the petitioner on the ground of personal necessity.

The learned Courts below on appreciation of evidence have come to the conclusion that the premises in possession of the petitioner was required bona fide for the use and occupation of the respondent-landlord.

The learned counsel for the petitioner contends that the finding of the learned Courts below cannot be sustained as in the cross-examination the landlord has admitted that he has locked two rooms on the first floor and one room on the top floor and was not using the same on the plea that same were not fit for his living. The contention of the learned counsel for the petitioner is that in view of this statement the requirement of landlord cannot be held to be bona fide.

The other contention of the learned counsel for the petitiner that once the landlord in cross-examination had admitted that his wife, children and grand-children are well settled in England, therefore, it cannot be said that the premises are required bona fide.

The contention of the learned counsel for the petitioner was that even though the premises in possession of the petitioner were said to be required for accommodation of servant and the driver, till date landlord has not appointed any driver or servant and, therefore, the stand of the landlord that the premises were required bona fide cannot be accepted. These contentions of the learned counsel for the petitioner cannot be accepted as the landlord respondent in his petition as well as the statement has taken a positive stand that he needs the premises and would occupy the same after renovation and, therefore, no fault can be found with the finding recorded by the learned Courts below merely because the landlord has not occupied the two rooms on the first floor and one room which is available on the top floor.

The other contention of the learned counsel for the petitioner that the family of the landlord-respondent is well settled in England cannot be a ground to deny the right of possession of property to respondent landlord as it was for him to decide where he wished to reside and once his need has been held to be bona fide there arises no question to interfere with the said finding.

The contention of the learned counsel for the petitioner that as the respondent has not recruited driver and servant so far, can also be no ground as the services of the driver and servant would only be required after

the landlord settles in his accommodation. Even otherwise, learned Courts below have considered all these contentions and have come to the conclusion that the premises are bona fide required by the respondent landlord.

No ground is made out to interfere with the well reasoned order passed by the learned Courts below.

Dismissed.

September 21,2006 **(VINOD K. SHARMA)**
'sp' **JUDGE**